

ORDINANCE 2011- 47

LPA#11-7-8

Text Amendments to the 2030 Comprehensive Plan

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, AMENDING THE TEXT OF THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE ELEMENT BY AMENDING POLICY I-1.2.4 *CALCULATION OF RESIDENTIAL DENSITY* TO CLARIFY THE DEFINITION OF "NET BUILDABLE AREA"; AMENDING POLICY I-1.3.1.4 *COMMERCIAL AND OFFICE USES TO SERVE TRADITIONAL NEIGHBORHOODS* AND POLICY I-1.3.10 *COMMERCIAL ACTIVITIES WITHIN THE URBAN FUTURE LAND USE SERIES* TO CLARIFY THAT INCLUDED COMMERCE USES ARE NOT SUBJECT TO LOCATIONAL CRITERIA; AMENDING POLICY I-1.4.4 *RURAL FUTURE LAND USE CATEGORY* TO INCLUDE GREEN ENERGY FACILITY AND RENEWABLE ENERGY PRODUCTION FACILITY USES; DELETING POLICY I-1.4.9 *SOUTH LAKE STRATEGIC AREA PLAN FOR SOUTH LAKE COUNTY*; AMENDING POLICY I-3.4.8 *SETBACKS FROM KARST FEATURES* TO CLARIFY SETBACK OF IMPERVIOUS DEVELOPMENT FROM KARST FEATURES; AMENDING POLICY I-5.1.2 *TRANSFER OF DEVELOPMENT RIGHTS* TO CLARIFY THE TRANSFER, SALE OR EXCHANGE OF DEVELOPMENT RIGHTS IN THE URBAN LAND USE SERIES; DELETING OBJECTIVE I-5.5 *SOUTH LAKE COUNTY RURAL PROTECTION AREA*; DELETING POLICY I-5.5.1 *IMPORTANCE OF SOUTH LAKE COUNTY RURAL PROTECTION AREA*; DELETING POLICY I-5.5.2 *LAND USE IN THE SOUTH LAKE RURAL PROTECTION AREA*; AMENDING POLICY I-7.5.9 *REQUIRED USE OF CONSERVATION EASEMENTS* PROVIDING FOR PROTECTIVE MEASURES TO AVOID ADVERSE DEVELOPMENT IMPACTS; AMENDING POLICY I-7.7.2 *AGRICULTURAL LAND RETENTION STUDY* SUPPORTING AGRICULTURE AS PART OF THE ECONOMIC BASE; AMENDING POLICY I-7.9.1 *LOCATION OF DRI'S* REQUIRING CONSISTENCY WITH THE COMPREHENSIVE PLAN, COMPATIBILITY WITH LAND USES AND MITIGATION OF IMPACTS FOR A PROPOSED DRI; AMENDING THE CAPITAL IMPROVEMENTS ELEMENT BY AMENDING POLICY II-1.1.9 *SANITARY SEWER LEVELS OF SERVICE* TO CHANGE THE LEVEL OF SERVICE TO BE CONSISTENT WITH THAT OF UTILITY PROVIDERS; AMENDING THE CONSERVATION ELEMENT BY AMENDING POLICY III-2.5.4 *PROTECTION OF ISOLATED AND EPHEMERAL WETLANDS* BY REMOVING THE TERM "EPHEMERAL"; AMENDING POLICY III-2.5.10 *MINIMIZE THE USE AND IMPACT TO WETLANDS* BY ADDING SPECIFIC ACTIVITIES THAT WILL ALLOW DREDGE OR FILL IN WETLANDS OUTSIDE AREAS WITH SPECIAL PROTECTIONS; CREATING NEW POLICY III-2.5.11 TO BE ENTITLED *MINIMIZE IMPACTS TO WETLANDS WITHIN AREAS WITH SPECIAL PROTECTION*; AMENDING AND RENUMBERING EXISTING POLICY III-2.5.11 *WETLAND DEDICATION* TO ALLOW REMOVAL OF INVASIVE VEGETATION OR OTHER ACTIONS AS A CONDITION OF THE PERMITTING AGENCY AND TO CLARIFY THE POLICY DOES NOT IMPACT DIRECT WATER ACCESS; RENUMBERING AND AMENDING POLICY III-2.5.12 *ESTABLISH MINIMUM BUFFER REQUIREMENTS* ALLOWING FOR VARIABLE BUFFERS AND RECOGNIZING THE AGENCY HAVING JURISDICTION CAN REQUIRE GREATER BUFFERS; RENUMBERING POLICIES III-2.5.13 THROUGH III-2.5.15; AMENDING POLICY III-3.2.8 *IMPACT OF LAND USE ON WILDLIFE AND HABITAT CORRIDORS* RECOGNIZING THAT WILDLIFE AND HABITAT CORRIDORS ARE IDENTIFIED BY AN AGENCY HAVING JURISDICTION AND THE COUNTY WILL PROTECT SUCH CORRIDORS; AMENDING POLICY III-3.2.17 *WILDLIFE CONSIDERATION WITHIN DEVELOPMENT PROJECTS* REQUIRING IDENTIFICATION OF A HABITAT BY SITE SURVEY, REQUIRING A BIOLOGICAL STUDY, REQUIRING A SITE SPECIFIC MANAGEMENT PLAN; AMENDING POLICY III-3.3.1 *CONSERVATION OF NATURAL UPLAND PLANT COMMUNITIES* REMOVING TEXT NAMING SPECIFIC UPLAND PLANT COMMUNITIES; AMENDING POLICY III-3.3.2 *SURVEY AND*

PROTECTION OF NATURAL UPLAND PLANT COMMUNITIES CLARIFYING THAT PROTECTED UPLANDS ARE COUNTED TOWARD OPEN SPACE REQUIREMENTS AND TO ALLOW CONSIDERATION OF INCENTIVES FOR PRESERVING PROTECTED UPLAND COMMUNITIES; AMENDING POLICY III-3.4.4 *SLOPE AND LAND USE* FOR CONSIDERATION OF MAINTAINING EXISTING GRADIENTS; AMENDING THE ECONOMIC ELEMENT BY AMENDING POLICY IV-2.1.1 *SITES, LAND USE AND UTILITIES* TO RECOGNIZE AREA WHICH PROVIDES OPPORTUNITIES FOR DEVELOPMENT; AMENDING THE PARKS AND RECREATION ELEMENT BY AMENDING THE TITLE OF POLICY VII-1.4.5 *MANDATORY DEDICATION OF LAND FOR RECREATION* TO LAND FOR ACTIVITY-BASED RECREATION; AMENDING POLICY IX-1.3.8; *SETBACKS FROM KARST FEATURES* TO CLARIFY SETBACK OF IMPERVIOUS DEVELOPMENT FROM KARST FEATURES; AMENDING CHAPTER X DEFINITIONS & ACRONYMS BY AMENDING THE DEFINITION OF "NET BUILDABLE AREA" TO INCLUDE A COMBINATION OF PARCELS PROPOSED FOR DEVELOPMENT; ADDING DEFINITIONS FOR GREEN ENERGY FACILITY AND RENEWABLE ENERGY PRODUCTION FACILITY; RENUMBERING OBJECTIVES AND POLICIES; PROVIDING FOR PROOF OF PUBLICATION AS REQUIRED BY SECTION 163.3184(11); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Community Planning Act is set forth in Chapter 163, Part II, Florida Statutes; and

WHEREAS, Chapter 125, Florida Statutes, Section 125.01(g), authorized the Board of County Commissioners of Lake County to prepare and enforce comprehensive plans for the development of the county; and

WHEREAS, Section 163.3184, Florida Statutes, sets forth the process for adoption of comprehensive plan amendments; and

WHEREAS, pursuant to Chapters 163 and 125, Florida Statutes, on the 25th day of May, 2010, the Board of County Commissioners enacted Ordinance No. 2010-25, adopting the Lake County 2030 Comprehensive Plan Amendment; and

WHEREAS, on the 23rd day of July, 2010, the State of Florida Department of Community Affairs published a Notice of Intent finding the Lake County 2030 Comprehensive Plan Amendment "In Compliance" with Chapter 163, Florida Statutes; and

WHEREAS, on the 12th day of August, 2010, Miranda F. Fitzgerald and Jennifer F. Cerasa filed a Petition for an Administrative Hearing challenging the adoption of Lake County Ordinance No. 2010-25 and the related Notice of Intent filed by the Department of Community Affairs; and

WHEREAS, on the 12th day of August, 2010, Jon Pospisil filed a Petition for an Administrative Hearing challenging the adoption of Lake County Ordinance No. 2010-25 and the related Notice of Intent filed by the Department of Community Affairs; and

WHEREAS, on the 13th day of August, 2010, Sorrento Commons, LLC filed a Petition for an Administrative Hearing challenging the adoption of Lake County Ordinance No. 2010-25 and the related Notice of Intent filed by the Department of Community Affairs; and

WHEREAS, on the 13th day of August, 2010, Clonts Groves, Inc. filed a Petition for an Administrative Hearing challenging the adoption of Lake County Ordinance No. 2010-25 and the related Notice of Intent filed by the Department of Community Affairs; and

WHEREAS, on the 13th day of August, 2010, Long and Scott Farms Family Limited Partnership

and Long and Scott Farms, Inc filed a Petition for an Administrative Hearing challenging the adoption of Lake County Ordinance No. 2010-25 and the related Notice of Intent filed by the Department of Community Affairs; and

WHEREAS, on the 13th day of August, 2010, Nola Land Company, Inc. filed a Petition for an Administrative Hearing challenging the adoption of Lake County Ordinance No. 2010-25 and the related Notice of Intent filed by the Department of Community Affairs; and

WHEREAS, on the 26th day of July, 2011, the State of Florida Department of Community Affairs, the Lake County Board of County Commissioners did enter into a Compliance Agreement with the Petitioners, as permitted by Section 163.3184(6), Florida Statutes; and

WHEREAS, on the 26th day of July, 2011, this Ordinance was heard at a public hearing before the Lake County Board of County Commissioners pursuant to Section 163.3184, Florida Statutes; and

WHEREAS, it serves the health, safety and general welfare of the residents of Lake County to adopt these amendments to the Lake County Comprehensive Plan;

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, that:

Section 1. Comprehensive Plan Text Amendments.

The following Objective and Policies are deleted from the 2030 Comprehensive Plan in their entirety:

- Policy I-1.4.9: South Lake Strategic Area Plan for South Lake County;
- Objective I-5.5: South Lake County Rural Protection Area;
- Policy I-5.5.1: Importance of South Lake County Rural Protection Area; and
- Policy I-5.5.2: Land Use in South Lake Rural Protection Area.

The following policies are amended as shown; the text underlined is added and the text struck through is removed:

Policy I-1.2.4 Calculation of Residential Density

Maximum residential density, expressed as "dwelling units per net acre," shall be defined as the total allowable number of dwelling units that may be constructed on the "net buildable area" of a parcel. "Net buildable area" shall be defined as the total area of a parcel, or combination of parcels, proposed for development, less wetlands and water bodies. In addition to the aforementioned allowance, one (1) additional dwelling unit may be built within the net buildable area of a parcel for every five (5) acres of wetlands on the entire subject parcel. The term "net acre" shall be synonymous with the term "net buildable acre."

Within the Green Swamp Area of Critical State Concern only one (1) additional dwelling unit may be built within the net buildable area of a parcel for every twenty (20) acres of wetlands on the subject parcel.

Within the Wekiva River Protection Area Sending Area 1, only one (1) additional dwelling unit may be built within the net buildable area of a parcel for every forty (40) acres of wetlands of the subject parcel. Within the Wekiva River Protection Area Sending Area 2 and Wekiva River Protection Area Receiving Area 1, only one (1) additional dwelling unit may be built within the net buildable area of a parcel for every twenty (20) acres of wetlands of the subject parcel.

Any subdivision of land or lot split shall not create densities greater than that allowed by the assigned Future Land Use Category specified in this Comprehensive Plan.

- AND -

I-1.3.1.4 Commercial and Office Uses to Serve Traditional Neighborhoods

Commercial and office uses shall be provided to serve the need of residents within the Traditional Neighborhood. The maximum number of acres or square feet of commercial or office space shall be based upon the number of residential units and accessibility to the Neighborhood Core. Within 12 months of the effective date of this plan, specific criteria shall be defined and included in the Land Development Regulations, consistent with the underlying Future Land Use Category. Such criteria shall maintain consistency with the commercial criteria below.

Commercial and office uses shall be located primarily within the Traditional Neighborhood Core, with specific standards for placement contained in the Land Development Regulations. These standards shall place the front of buildings close to primary access streets, or common areas such as parks and plazas, with parking provided to the rear of the site or within shared pools of parking strategically located within the Neighborhood Core. Commercial and office uses shall be limited in scale and size through a combination of site and architectural design standards contained in the Land Development Regulations that address elements including but not limited to maximum ground floor area, building height and facade design. Nonresidential uses developed pursuant to this Policy shall not be subject to the locational criteria specified under Policy I-1.3.10 Commercial Activities within the Urban Future Land Use Series.

- AND -

Policy I-1.3.10 Commercial Activities within the Urban Future Land Use Series

Within the Urban Future Land Use Series, Lake County shall allocate sufficient land area to accommodate commercial activities that provide goods and services, with consideration to economic benefits and environmental impacts to the County. For the purposes of this Objective, the term "Commercial" shall include commercial, retail, office, limited light industrial uses and other uses commonly associated with these activities. The location and distribution of commercial land uses within Lake County shall be guided by information contained in the Data Inventory and Analysis for the Future Land Use and Economic Elements. The policies below shall apply to commercial development within the Urban Future Land Use Series, except when developed as a traditional neighborhood consistent with Policy I-1.3.1 Traditional Neighborhood Development.

- AND -

Policy I-1.4.4 Rural Future Land Use Category

The Rural Future Land Use Category is intended to protect rural lifestyles represented by single-family homes on large lots and to accommodate agricultural pursuits.

This Future Land Use Category provides for residential development at densities equal to or less than one (1) dwelling unit per five (5) net buildable acres, agricultural operations, civic uses compatible with a rural community, and Rural Support functions where appropriate.

New development shall not utilize regional water and wastewater utilities in this category, except when the absence of such facilities would result in a threat to public health or the environment. An extension of central services for either reason shall not justify an increase in density or intensity on the site being served, or any property adjoining the extended utility or lines.

The maximum Impervious Surface Ratio within this category shall be 0.20, except for agricultural, civic, institutional and recreational uses which shall be 0.30.

TYPICAL USES INCLUDE:

- Agriculture and forestry;
- Residential;
- Passive parks;
- Equestrian related uses;
- K-12 schools;
- Religious organizations;
- Green Energy facility; and
- Rural Support Uses as provided for in this Comprehensive Plan.

TYPICAL USES REQUIRING A CONDITIONAL USE PERMIT:

- Mining and Resource Extraction;
- Active parks and recreation facilities;
- Nursing and personal care facilities;
- Day care services;
- Outdoor Sports and recreation clubs;
- Civic uses;
- Animal specialty services;
- Unpaved airstrips,
- Public order and safety,
- Ports and Marinas, and
- Renewable Energy Production Facility.

- AND -

Policy I-3.4.8 Setbacks from Karst Features

Impervious development shall be set back from the boundary of karst features and spring runs as specified below. The setback shall consist of a buffer that retains all natural vegetation within the setback area.

Feature	Minimum setback
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Feature	Minimum setback
Springs	300 feet
Spring runs	100 feet
Karst features	100 feet

If a lot for which a final Lot of Record determination was completed and approved by Lake County existing on the effective date of this policy is too small to comply with the setback requirements above, structures and impervious surfaces shall be located at the maximum distance possible from the karst feature(s), and a swale and berm shall be built between the developed area and karst feature to direct drainage away from the feature.

- AND -

Policy I-5.1.2 Transfer, Sale or Exchange of Development Rights.

Within twelve (12) months of the effective date of the Comprehensive Plan, the County shall evaluate the efficacy of establishing sending and receiving areas appropriate for the transfer, sale or exchange of development rights throughout the County to sites within the Urban Land Use Series from inside of Rural Protection Areas to outside of Rural Protection Areas. This may include methods of shifting development rights right transfer from unincorporated areas to municipalities facilitated through Joint Planning Agreements or similar agreements. It shall be the intent of this policy to direct development away from Rural Protection Areas and toward existing urban areas in the Urban Land Use Series.

- AND -

Policy I-7.5.9 Required Use of Conservation Easements Use of Protective Measures to Avoid Adverse Development Impacts

In order to protect the following areas from any future encroachment or the event the County or another agency having jurisdiction determines that a development proposal will adversely impact one or more of the areas outlined below, the area shall be delineated using best available data. The County shall require conservation easements, to the extent as allowed by law consistent with Chapter 704, Florida Statutes, or similarly recorded and binding legal instrument (including plat restrictions), or fee-simple dedication to a public agency, or some other form of recorded and binding legal instrument to protect the following:

- Post-development flood prone areas;
- Wetlands and buffer areas;
- Environmentally sensitive areas including, but not limited to, xeric uplands and scrub habitats;
- Wildlife corridors and buffers;
- Karst features and buffers;
- Aquifer recharge areas;
- Natural or engineered drainage features which qualify as open space;
- "Preservation" or "conservation" areas which are part of a development project; and
- Common open space in clustered platted subdivisions.

~~The~~ Within 12 months following the effective date of the comprehensive plan, Lake County shall adopt Land Development Regulations will that specify additional criteria methods, such as developer agreements or conditions of approval to protect preserve-required open space, which may include standards based upon size thresholds and type of open space, to limit future encroachment or development of required open space, including drainage areas, recreation areas, and other areas set aside as requirement for development approval.

- AND -

Policy I-7.7.2 Agricultural Land Retention Study Support Agriculture.

~~Within 12 months of the effective date of the Comprehensive Plan, Lake County shall initiate an Agricultural Lands Retention Study to identify agricultural lands suitable for protection and conservation. The study shall also identify property owner incentives for the conservation of identified lands; methods to maintain viable agricultural economies; potential barriers to the conduct of agricultural activities; and scenarios that describe the types and characteristics of agricultural uses and practices for Lake County in the future.~~

The County shall support agriculture as part of its economic base. Lake County shall coordinate with agricultural agencies to identify and promote a productive and prosperous agricultural economy. Research on conservation, production, and marketing techniques for agriculture shall be made available to the public through the County's support of the Agricultural Extension Service. Farmers markets shall be considered where feasible for local distribution of local crops. Water conservation techniques in relation to agriculture shall be encouraged. The County shall evaluate incentives for farmers to keep land in agricultural production, methods to maintain viable agricultural economies, and elimination of potential barriers to agricultural operations.

- AND -

Policy I-7.9.1 Location of DRIs

~~In order to prevent urban sprawl, provide for growth in proximity to existing infrastructure and services, and ensure the long-term protection of rural areas, the County shall guide new DRIs to municipalities and to the Urban Future Land Use Series as designated within the Future Land Use Element. Due to the inherent scale and intensity of a DRI, a proposal for a DRI within an area assigned to the Rural Future Land Use Series shall be inconsistent with the goals, objectives, and policies of this Comprehensive Plan relative to the protection of rural areas and the prevention of urban sprawl. If a DRI is proposed, the property owner shall have the burden of demonstrating consistency with the comprehensive plan, compatibility with surrounding land uses and adequate mitigation of impacts. The burden of proof shall rest upon the applicant to overcome said presumptions and demonstrate a compelling need for the proposed DRI and any associated future land use change.~~

- AND -

Policy II-1.1.9 Sanitary Sewer Levels of Service

~~The Level of Service standard for central sanitary sewer systems shall be 400 70 gallons per capita per day, or the Equivalent Residential Unit (ERU) for non-residential development. If connection is~~

required to a municipal or private utility, and the development is within the Utility Service Area of the utility, the higher level of service as adopted by that utility shall supersede the County's LOS.

- AND -

Policy III-2.5.4 Protection of Isolated and Ephemeral Wetlands

The County shall adopt Land Development Regulations within 12 months of the effective date of this Comprehensive Plan to protect and preserve isolated and ephemeral wetlands, and the unique functions such wetlands provide, such as habitat for upland amphibians that require a wet environment for part of their life cycle.

- AND -

Policy III-2.5.10 ~~Minimize the use and impact to wetlands~~ Impacts to Wetlands Outside Areas with Special Protection

Outside the Green Swamp Area of Critical State Concern, Wekiva River Protection Area, Wekiva Study Area, and Rural Protection Areas, there shall be no dredge or fill activities in wetlands except for:

- Water dependent activities and;
- As needed for access to the site;
- As needed for internal traffic circulation and for purposes of public safety, where other alternatives do not exist;
- Utility transmission and collection lines;
- Pretreated stormwater management if approved by the jurisdictional agency;
- Mining that meets local, state and federal regulations;
- Low quality wetlands on a parcel(s) proposed for development where:
 - a. Eighty percent (80%) or more of the wetland area to be impacted contains invasive plant species; and
 - b. Impacts do not exceed twenty-five percent (25%) of the combined low quality wetland area; and
 - c. All jurisdictional agency permits are obtained prior to approval by the County.
- Isolated wetlands on a parcel(s) proposed for development where:
 - a. a parcel(s) proposed for development consists of at least 70% uplands; and

- b. The entire upland area must be planned and approved for development before dredge or fill activities in isolated wetlands can take place. If the approved development is to be completed in phases, the entire upland area of the currently proposed phase must be planned and approved for development before any wetland areas within that phase or in any future phase may be impacted;
- c. Impacts shall not exceed twenty-five percent (25%) of the combined isolated wetland area; and
- d. All jurisdictional agency permits are obtained prior to approval by the County.
- Permitted man-made wetlands or man-made surface waters that:
 - a. Were created within the last 15 years; and
 - b. All jurisdictional agency permits are obtained prior to approval by the County.

Water dependant activities shall include uses and structures such as docks, platforms, and pile-supported walkways or similar structures.

In those instances where dredge or fill activities are authorized, the applicant must demonstrate that:

- ~~(a) There is no other reasonable, practical or economical alternative; and~~
- ~~(b) without the dredge or fill activity the property owner will be deprived of all reasonable uses of the property; and~~
- ~~(c) The developer can adequately mitigate for the dredge or fill activity.~~

Development shall be directed away from the wetlands and conducted in a manner to protect the vegetation, habitat and the water storage, water quantity, water quality, and recharge functions of the wetlands to the maximum extent allowed by law.

- AND -

[New] Policy III-2.5.11 Minimize Impacts to Wetlands within Areas with Special Protection

Within the Green Swamp Area of Critical State Concern, Wekiva River Protection Area, Wekiva Study Area, and Rural Protection Areas, there shall be no dredge or fill activities in wetlands except for:

- Water dependent activities;
- As needed for access to the site;
- As needed for internal traffic circulation and for purposes of public safety, where other alternatives do not exist;
- Utility transmission and collection lines;
- Pretreated stormwater management if approved by the jurisdictional agency;

- Mining that meets local, state and federal regulations;

Water dependant activities shall include uses and structures such as docks, platforms, and pile-supported walkways or similar structures.

In those instances where dredge or fill activities are authorized, the applicant must demonstrate that:

- a. There is no other reasonable, practical or economical alternative; and
- b. Without the dredge or fill activity the property owner will be deprived of reasonable use of the property, and
- c. The developer can adequately mitigate for the dredge or fill activity.

Development shall be directed away from the wetlands and conducted in a manner to protect the vegetation, habitat and the water storage, water quantity, water quality, and recharge functions of the wetlands to the maximum extent allowed by law.

- AND -

Policy III-2.5.142 Wetland Dedication

To the extent practicable and allowed by law, wetlands within a project shall remain undeveloped and protected in perpetuity through the use of a conservation easement, or similar recorded and legally binding instrument (including plat restrictions), that runs with the land and establishes the conditions and restrictions on the use. Any such The easement shall be dedicated to one or a combination of the following, which shall be designated prior to development:

- Conservation agency such as Florida Department of Environmental Protection or St. Johns River Water Management District;
- Non-profit conservation organization or land trust; or
- Lake County, subject to County approval.

The easement shall require that wetlands and wetland buffers be maintained in perpetuity in their natural and unaltered state, unless removal of invasive vegetation or other actions are required as a condition of the permitting agencies. To the extent practicable, wetlands shall not be included as part of any platted lot, other than a lot platted as a common area, which shall be dedicated for preservation or passive recreational use. This provision shall not be interpreted in a manner that would prevent or impair direct water access from properties having riparian rights.

- AND -

All policies subsequent to Policy 2.5.11 are renumbered as follows:

~~Policy III-2.5.1213 Establish Minimum Buffer Requirements~~

~~Policy III-2.5.1314 Wetland Impacts and Mitigation~~

~~Policy III-2.5.1415 Wetland Best Management Practices~~

~~Policy III-2.5.1516 Surface and Groundwater Withdrawal Impacts on Wetlands~~

- AND -

Policy III-2.5.123 Establish Minimum Buffer Requirements

Upland buffers adjacent to wetlands provide habitat for wetland dependent species, and assist in minimizing the deleterious effects of development adjacent to the wetland. The County shall require that all developments provide natural upland buffers adjacent to those wetlands which are to be preserved following development. These buffers shall be of such size to ensure that the quality and quantity of surface waters and the habitat for aquatic and wetland-dependent species of wildlife are not adversely affected by the development; and shall be in the location and dimension approved by the County, unless a greater buffer is required by another agency having jurisdiction, in which case the greater buffer shall be required.

Buffers shall be determined to start landward from the mean high water line or wetland jurisdictional line, whichever is further landward; the wetland jurisdictional line shall be determined by a qualified person acceptable to the County, according to the State-approved methodology adopted by Rule, and which shall be subject to field verification and approval by the agency exercising jurisdiction or the County, if necessary. A minimum 50-foot buffer requirement shall apply to isolated wetlands, non-isolated wetlands and rivers and streams, except where the required buffer makes a lot unbuildable, in which case a variable buffer may be allowed as described below:

- Outside the Green Swamp Area of Critical State Concern variable buffers shall have a minimum width of 15 feet and average width of 50 feet.
- Inside the Green Swamp Area of Critical State Concern variable buffers shall have a minimum width of 25 feet and average width of 50 feet.

Uses allowed in buffers are limited to: Passive recreation activities, limited storm water facilities, and water dependent structures such as, but not limited to, fishing piers, docks, and walkways. Buffers without native vegetation shall be re-vegetated with indigenous habitat to protect the quality of the adjacent isolated wetland, wetland system, river or stream. A buffer of native upland edge vegetation shall be provided or preserved on new development sites. Native vegetation within buffers shall be preserved.

To the extent that federal, state or regional requirements exceed the minimum buffers adjacent to wetlands established here, the County shall require compliance with the stricter standard. The County shall require compliance with all buffer requirements for the Wekiva River System and other Outstanding Florida Waters.

- AND -

Policy III-3.2.8 ~~Impact of land Use on Wildlife and Habitat Corridors~~ Wildlife Consideration within Development Projects

The County shall regulate the use of land within or adjacent to wildlife and habitat corridors that have been identified by an agency having jurisdiction in a manner consistent with the continued function of those corridors. The County shall require that land use or development proposals demonstrate that wildlife and habitat corridors will not be adversely impacted by a proposed use or activity. In addition to requiring the protection ~~preservation~~ of corridors, the County shall regulate the density and intensity of adjacent uses, permitted activities, landscaping, lighting, and other factors that may contribute to the function and viability of identified corridors.

- AND -

Policy III-3.2.17 Wildlife Consideration within Development Projects

The County shall require the following methodology regarding the development of property potentially containing species designated as endangered, threatened, or species of special concern:

As a condition for development approval, the developer/applicant shall be required to complete a site survey of plants and animals including listed species, utilizing the most current wildlife methodology guidelines published by Florida Fish and Wildlife Conservation Commission and current information from FNAI. Development shall be clustered in such a way as to avoid ~~s~~Sensitive Natural ~~h~~Habitat as identified in the site survey.

Protection of listed species shall be accomplished either through onsite preservation or relocation within the designated area in accordance with a management plan acceptable to, and permitted by FFWCC, U.S. Fish and Wildlife Service, or other agency having jurisdiction. Incidental taking of listed species shall be prohibited unless the jurisdictional agency determines that a particular group of animals on the site can not benefit from either onsite preservation or relocation, and expressly approves the incidental taking. To the extent possible, commensal species shall also be relocated with the designated species.

Even if an incidental take permit or similar permit is issued, the County may limit the developable area of a site and require, as a condition of approval, preservation of the species on site providing if a biological study demonstrates that:

- That sufficient habitat would still be available to maintain a viable population of the species; and
- That the proposed development could be clustered or otherwise redesigned.

If a listed species is determined to exist on a site within areas of ecological significance, as determined by the jurisdictional agency, the following shall apply in the given order of priority:

1. The developer/applicant must accomplish development in such a fashion as to avoid the habitat of the listed species; or
2. The developer/applicant must demonstrate to the County that it is not possible to avoid the habitat of said species with the approved use, and then relocate the species on site to an equally suitable area consistent with guidelines published by FFWCC; or
3. The developer/applicant must demonstrate to the County via site analysis that development with the approved use cannot be accomplished through onsite relocation and that a conservation benefit can be achieved for the species and natural community through off-site relocation. Relocation must take place within the same area of ecological significance with preference given to properties adjacent or close to the donor site. To the extent possible, commensal species shall also be relocated with the designated species.

If ~~Whether~~ the designated species is protected in place or relocated on or off site, the developer/applicant must assure that the habitat to be occupied by the species will continue to be compatible with survival of that species, in accordance with a site specific management plan approved by the County and any other agency having jurisdiction. The developer/applicant shall be required, to the extent allowed by law, to dedicate the habitat designated in the site specific management plan ~~associated habitat~~ to the County, a conservation agency or conservation entity, or shall ensure that a conservation easement or similar recorded and legally binding instrument is established over the designated ~~associated~~ habitat, whether located on or off site. A site-specific management plan shall be required for the designated species and associated funding provided as necessary by the developer/applicant.

- AND -

Policy III-3.3.1 Conservation of Natural Upland Plant Communities

The County shall regulate, and as appropriate, require restoration and preservation of Natural Upland Communities through provisions of the Land Development Regulations. ~~The following upland plant communities shall be protected from the impacts of development: pine flatwoods, longleaf pine/xeric oak, sand hill, sand pine scrub, upland mixed coniferous hardwood, and mesic flatwoods/dry prairie.~~

- AND -

Policy III-3.3.2 Survey and Protection of Natural Upland Plant Communities

The County shall require development proposals to provide an inventory of the type and extent of natural upland vegetative communities if they occur on the development site. The survey shall be completed by a qualified biologist and also include a survey of plant and wildlife populations, and indicate the presence of any designated species. The species survey shall utilize a professionally accepted methodology approved by the County in consultation with the appropriate agency having jurisdiction. Within 12 months of the effective date of the Comprehensive Plan, the County shall adopt Land Development Regulations specifying thresholds for the level of survey that will be required. Development impacting 40 acres or more shall require the most intense survey, as shall development impacting 2 acres or more within the Wekiva River Protection Area, Wekiva-Ocala

Greenway, Wekiva Study Area (WSA) and Green Swamp Area of Critical State Concern (GSACSC).

In addition, the survey shall inventory corridors important for wildlife movement that have been identified by the County or agency having jurisdiction. If a protected upland plant community identified in the previous policy is identified on site then those communities shall be preserved for up to 50% of the subject site, to the extent as allowed by law. Protected uplands shall be counted toward satisfying any open space requirements. The County shall consider incentives to property owners that preserve protected upland plant communities in excess of the minimum open space requirements for the particular development proposal.

Within a clustered development, natural upland communities shall be incorporated as common open space. Connectivity shall be maintained among protected upland areas to the greatest extent possible. The County shall have the authority to accept alternatives to onsite conservation that provide for the long-term protection and management of upland communities of equal or greater value elsewhere. The County shall adopt and maintain maps identifying natural resources within the Wekiva Study Area, including but not limited to natural upland communities. These maps are for reference purposes and not intended to substitute for professional site surveys and studies required pursuant to this Comprehensive Plan or the Land Development Regulations.

- AND -

Policy III-3.4.4 Slope and Land Use

Future land use and zoning shall be assigned with consideration to topography. The County shall may prescribe land use development limitations for slopes to minimize the impacts of development. The County Land Development Regulations shall limit septic tanks on Astatula (AtF) and Lake (LaE) soil types where steep slopes are present. Conservation easements or dedication shall be required, to the extent allowed by law, where steep slopes are located adjacent to surface waters to minimize erosion consistent with stream bank and lakeshore stabilization objectives. Steep or severe slopes shall be defined as having a gradient exceeding 10%. The alteration of slopes to reduce relief to gradients that can accommodate development must be approved by the County prior to land preparation activity, with consideration given to the type of use proposed and whether it is practical to maintain existing gradients.

Limitations shall be placed on septic system upslope of groundwater seepage slopes and shall not be permitted where the density is greater than one dwelling unit per acre.

- AND -

Policy IV-2.1.1 Sites, Land Use and Utilities

To guarantee adequate sites for economic development, Lake County shall work with its partners to identify opportunities and establish a land use, transportation and utility plan that leverages supports development potential and is responsive to target industry sector needs. The County recognizes the location and characteristics, in particular, of the area lying east of US Highway 27 and south of SR 50 to the County line to provide unique opportunities for the development of commerce, industry, agriculture and related uses that are vital to the County's future economic growth and prosperity.

- AND -

Policy VII-1.4.5 Mandatory Dedication of Land for Activity-based Recreation.

Lake County shall incorporate provisions within its Land Development Regulations Code which require new residential development to provide recreation space consistent with the Concurrency Management System. The provision of land for activity-based recreation shall be in addition to the area required for open space.

- AND -

Policy IX-1.3.8 Setbacks from Karst Features

Impervious Development shall be set back from the boundary of karst features and spring runs as specified below. The setback shall consist of a buffer that retains all natural vegetation within the setback area.

Feature	Minimum setback
Springs	300 feet
Spring runs	100 feet
Karst features	100 feet

If a lot for which a final Lot of Record determination was completed and approved by Lake County existing on the effective date of this policy is too small to comply with the setback requirements above, structures and impervious surfaces shall be located at the maximum distance possible from the karst feature(s), and a swale and berm shall be built between the developed area and karst feature to direct drainage away from the feature.

-AND-

Chapter X Definitions and Acronyms of the 2030 Comprehensive Plan is hereby amended to as follows:

Green Energy Facility - facilities generating energy from solar, wind or similar passive technology.

Net buildable area - The total area of a parcel, or combination of parcels, proposed for development, less wetlands and water bodies; also referred to as "Net Area."

Renewable Energy Production Facility - Manufacturing facilities for the processing or distribution of fuel from renewable resources from agricultural or biological products. Such production may include the processing of agricultural products produced on or off-site into biofuel, alternative fuel or similar products for distribution.

Section 2. Advertisement. This Ordinance was advertised pursuant to Section 163.3184(11), Florida Statutes.

Section 3. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the

validity of the remaining portions of this Ordinance.


Section 4. Effective Date. This Ordinance shall become effective as provided for by law.

ENACTED this 26 day of July, 2011.

FILED with the Secretary of State July 29, 2011.

EFFECTIVE July 29, 2011

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA


Jennifer Hill, Chairman

This 26 day of July, 2011.

ATTEST:


Neil Kelly, Clerk of the
Board of County Commissioners,
Lake County, Florida

Approved as to form and legality:



Sanford A. Minkoff
County Attorney

EXHIBIT A

LAKE COUNTY, FL

